

United States District Court
District of Minnesota

Marvin Spencer,

Civil No. 17-5035(DSD/TNL)

Plaintiff,

v.

ORDER

Joel L. Brott, Sheriff; Dr. Todd Leonard, Physician; Michell Skroch, BSIU/CCHD Nursing Dir.; Gwen Blossom England, CNP, RN; Dr. Diana Vanderbeek, Assistant Physician; Capt. Tom Zerwas; Sgt. Travis Lindstrom; Sgt. Brad Bohn, Badge #3419; C/O Jim Rourke, Badge #3341; C/O Anne Herbst, Badge #3473; C/O Johnnie Gilbert; C/O Lisa Shore, Badge #2163; C/O Joshua Jesberg, Badge #3304; C/O Catherine Koch Badge #2145; C/O Oluwaseun Jibowu, Badge #3397; C/O Denise Cook; C/O Tammy Boros; C/O Nicholas Simon, Badge #3384; C/O Logan Barrett Badge #3305, C/O Yvonne Adams, Badge #1757; C/O Amy Kahler, Badge #1901; C/O Dan Worber, Badge #3360; C/O Laura Holmquist, Badge #1719; and C/O Lori Bennett, Badge #1409,

Defendants.

Marvin Spencer,

Civil No. 17-5220(DSD/TNL)

Plaintiff,

v.

Joel L. Brott, Sheriff; Dr. Todd Leonard, Physician; Michell Skroch, BSIU/CCHD Nursing Dir.; Gwen Blossom England, CNP, RN; Dr. Diana Vanderbeek, Assistant Physician; Capt. Tom Zerwas; Sgt. Aric Hanson, Badge #3401; Sgt. Rebecca Beal, Badge #3418; Sgt. Travis Lindstrom, Badge #;

Sgt. Brad Bohn, Badge #3419; C/O Jim Rourke, Badge #3341; C/O Anne Herbst, Badge #3473; C/O Johnnie Gilbert, Badge #; C/O Lisa Shore, Badge #2163; C/O Joshua Jesberg, Badge #3304; C/O Catherine Koch Badge #2145; C/O Oluwaseun Jibowu, Badge #3397; C/O Denise Cook; C/O Tammy Boros, Badge #; C/O Nicholas Simon, Badge #3384; C/O Logan Barrett, Badge #3305, C/O Yvonne Adams, Badge #1757; C/O Amy Kahler, Badge #1901; C/O Dan Worber, Badge #3360; C/O Laura Holmquist, Badge #1719; and C/O Lori Bennett, Badge #1409, C/O Christoher Hansen, Badge #1074; C/O Theresa Klinge, Badge #; Jennie R. Thompson, RN; Gwendolyn Blossom England, RN; Alyssa Pfeifer, RN; Michelle Skroch, RN; Mindi Johnson, CMA; Briony Bohn, LPN; Cassandra James, RN; and Kayla Herntenstein, RN,

Defendants.

This matter is before the court upon the report and recommendation of United States Magistrate Judge Tony N. Leung dated November 21, 2019, (R&R) in the above captioned matters. Plaintiff Marvin Spencer has not objected to the R&R in the time period permitted. Accordingly, based on the R&R and the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The motion to dismiss [ECF No. 48 in Civil No. 17-5035; ECF No. 27 in Civil No. 17-5220] is granted in part as follows:
 - (a) Defendants Joel L. Brott, Capt. Tom Zerwas, Sgt. Travis Lindstrom, Sgt. Brad Bohn, C/O Jim Rourke, C/O Anne Herbst, C/O Johnnie Gilbert, C/O Oluwaseun Jibowu, C/O Tammy Boros, C/O

Nicholas Simon, C/O Logan Barrett, and C/O Dan Wrobel are dismissed without prejudice from the above-captioned cases for failure to state a claim; and

(b) Defendants Sgt. Aric Hanson and Sgt. Rebecca Beal are dismissed without prejudice from Civil No. 17-5220 for failure to state a claim.

2. The clerk of court is directed to strike plaintiff's proposed amended complaint [ECF No. 82 in Civil No. 17-5035; ECF No. 46 in Civil No. 17-5220].

3. The motion for continuance [ECF No. 76 in Civil No. 17-5035] is denied.

4. Defendants C/O Christopher Hansen, C/O Theresa Klinge, Jennie R. Thompson, Alyssa Pfeifer, Mindi Johnson, Briony Bohn, Cassandra James, and Kayla Hertenstein are dismissed with prejudice from Civil No. 17-5220 for failure to prosecute.

Date: December 17, 2019

/s David S. Doty _____
David S. Doty, Judge
United States District Court